

ENTERED

April 04, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ELIDA TREVINO,

VS.

NANCY A. BERRYHILL

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CIVIL ACTION NO. M-16-684

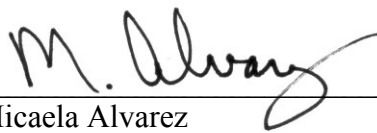
ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff Elida Trevino's action pursuant to 42 U.S.C. § 405(g) seeking review of the denial of her application for disability benefits, which had been referred to the Magistrate Court for a report and recommendation. On March 16, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Defendant's motion for summary judgment be granted, that Plaintiff's motion for summary judgment be denied, and that this action be dismissed. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Defendant's Motion for Summary Judgment is **GRANTED**, that Plaintiff's Motion for Summary Judgment is **DENIED**, and that this action is **DISMISSED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 4th day of April, 2018.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superceded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in *ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).